

ORDER BELOW EXH.1 IN CIVIL M. A. NO. 721/2022

Mahadev Udanshive Vs. Nil

(Passed on 26.07.2023)

CNR NO. MH002003734-2022

This is an application filed for grant of legal heir certificate under Bombay Regulation Act, 1827. Read application and heard Adv. for applicant.

02] Munjabai @ Mukta Kisan Udanshive died on 22/08/2018 (hereinafter referred as to deceased). Kisan Gopal Udanshive died on 14/08/2017. Applicant is son of deceased. Deceased Munjabai @ Mukta Kisan Udanshive was having property mentioned in Para No. 2. Applicant has filed an application that, legal heirs certificate is required to enter his name to property in question. After death of deceased, applicant is their only heirs. Legal heirs certificate is required to enter his names. Except applicant, there is no other legal heirs of deceased. Hence, requested to grant heirship certificate.

03] In support of contention, applicant has examined himself as AW-1 at **Exh. 18**. Applicant has filed documents i. e. Citation at **Exh. 7**, copy of public notice issued in newspaper “ Nalnada Express ” dated 05/11/2022 at **Exh. 9**, death certificate of deceased Mukta Kisan Udanshive at **Exh. 11**, death certificate of deceased Kisan Gopal Udanshive at **Exh. 12**, xerox copy of Adhar Card of applicant and xerox copy of 7/12 extract of Block No. 265 situated at Muje Hotgi, Tal- South Solapur, Dist- Solapur.

04] AW-1 has stated that, his mother deceased Mukta Udanshive died on 22/08/2018 and his father deceased Kisan Udanshive died on 14/08/2017 and he is legal heir of deceased persons. There is no other legal heir except the applicant. He requires heirship certificate to enter his name to above said property. Documents filed on record support to the version of applicant.

05] After issuance of paper notice, no one has come forward to resist the claim of applicants. Copy of death certificates of Munjabai @ Mukta Kisan Udanshive died on 22/08/2018 and Kisan Gopal Udanshive died on 14/08/2017.. The evidence available on record is remained unchallenged and there is no reason to discard or disbelieve the same. In ***Ganpati Vinayak Achwal case 2014(6) Mh.L.J.683***, Hon'ble High Court has observed that,

“In a case of grant of heirship certificate only relevant consideration is whether the applicant establishes that he is the heir of a person in respect of whom, he seeks heirship certificate. Certificate does not bestow the status of an heir upon a person. Grant of certificate is only formal recognition of his existing status as an heir.”

06] Considering the facts and circumstances of the case and evidence on record, I am satisfied that, applicant is the legal heir of deceased persons. Therefore, legal heir certificate is required to be issued in his favour in prescribed proforma. Hence, I pass following

order.

	ORDER
1.	Application is allowed.
2.	Issue legal heirs certificate declaring applicant Mahadev Kisan Udanshive as legal heir of deceased Munjabai @ Mukta Kisan Udanshive and deceased Kisan Gopal Udanshive in prescribed proforma on payment of requisite stamp duty.
3.	Applicant is directed to furnish valuation report of property mentioned in para No. 1.

Dt.26/07/2023

Sd/-
(**P. B. Warade**)
3rd Civil Judge, Jr. Dn.
Solapur.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

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| a | Name of the Stenographer | : | Shri. B.B.Salvade |
| b | Court | : | 3rd Joint Civil Judge,
J.D., Solapur. |
| c | Date of Judgment/Order | : | 26.07.2023. |
| d | Judgment/Order signed by P.O. On | : | 26.07.2023. |
| e | Judgment/Order uploaded on | : | 27.07.2023. |